

Home (1953, Department.

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Passport Order No. MS 2191

Dated 7 7-53

FOR MYSORE STATE

(Despatch Abstract.)

~~Passport~~ No. Law Officers - City Advocate General, Madras. Civil or Criminal Proceedings in the High Court - Appearance - Existing Instructions Revised - Preparation of counter affidavits - Instructions - G. O. MS NO 3713. Home date 25-9-51. Modified.

TO BE RETAINED For 20 Years.

GOVERNMENT OF MADRAS
ABSTRACT

**

Law Officers - City - Advocate General, Madras - Civil or Criminal Proceedings in the High Court - Appearance - Existing instructions revised - Preparation of counter affidavit - Instructions - G.O.Ms.No.3773, Home, dated 25.9.51 - Modified -

Home Department.

G.O.Ms.No.2191

Dated 7th July 1953
Read the following:

G.O.Ms.No.3773, Home, dated 25.9.51.
Memo.No.46631 Courts III/52-6 Home, dated 5.9.52.
From the Advocate General, Madras G.O.No.322-1
dated 22.6.53.

ORDER:-

In supersession of the instructions issued in Memo. No.46631 Courts III/52-6, Home, dated 5.9.52 the Government have decided:-

(1) that the Government Pleader, Madras should appear on behalf of or under instructions from the Government in all applications for writs filed in the High Court under Art.226 of the Constitution and posted for hearing whether before a single Judge or before a Division Bench;

(2) that the Advocate General, Madras should appear on behalf of the Government in any application for writ filed in the High Court and posted for hearing whether before a single Judge or a Division Bench, when he is desired to do so specially by the Government in the department concerned with the subject matter of the proceeding; and

(3) that if the departments of the Secretariat concerned desire that the Advocate General should appear in any particular writ petition now pending before the High Court having regard to the nature and importance of the case, they should take immediate steps to issue necessary instructions therefor.

2. The Departments of the Secretariat, are informed that when the Government Pleader, Madras applies to them for necessary instructions for preparation of the draft counter-affidavits etc., they should decide at that stage whether or not the Advocate General's appearance is necessary and if it is decided that the Advocate General should appear, they should inform the Government Pleader that the draft counter-affidavit may be settled in consultation with the Advocate General who has been requested to appear on behalf of the Government in the proceedings concerned.

3. The following amendment is issued to G.O.Ms.No. 3773 Home, dated 25.9.51, as subsequently amended:

In the said G.O. for paragraph (c) the following paragraph shall be substituted, namely:-

"(c) Preparation of records

The Law Officer on whom a notice is served in the case of writs should enter appearance immediately without

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further orders of Government, and obtain copies of petitions and affidavits and forward to the Government copies of these petitions and affidavits together with such advice as he may consider necessary and obtain the instructions of the Government in the Administrative Department concerned. In such of those cases where the Advocate General, Madras is requested to appear on behalf of the Government the Law Officer concerned should take instructions from the Advocate General as to the preparation of the counter affidavit. "

(By Order of the Governor of Madras)

G. Gopalakrishna Naidu,
Deputy Secretary to Government.

To

The Advocate General, Madras.
The Government Pleader, Madras.
The Public Prosecutor, Madras.
The State Prosecutor, Madras.
The Registrar High Court, Madras
~~The~~ All Heads of Departments.
All Departments of the Secretariat
Copy for Andhra/Mysore Government.

/True copy/Forwarded/By order/

R. Sundaram

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SUPERINTENDENT

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